

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY MAGLIOCCO,

Petitioner,

-against-

WARDEN JOHN/JANE DOE,

Respondent.

ORDER

23-CV-4907 (PMH)

PHILIP M. HALPERN, United States District Judge:

On June 12, 2023, Anthony Magliocco (“Petitioner”), while incarcerated at Attica Correctional Facility in Attica, New York, initiated the instant action by filing a Petition for a Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 regarding his convictions rendered in the New York State Supreme Court, Putnam County, on April 25, 2018. (Doc. 1). Petitioner filed an Amended Petition on June 13, 2023 in which he indicated that he intends to file a motion to vacate his Putnam County judgments under N.Y. Crim. Proc. L. § 440.10. (Doc. 2, “Petition”). The matter was assigned to me on June 21, 2023.

On June 23, 2023, the Court issued an Order which determined that the Petition is a “mixed petition,” *see Rhines v. Weber*, 544 U.S. 269, 277-78 (2005), and directed: (i) Petitioner to notify the Court of the status of any § 440.10 motion within thirty days; and (ii) Respondent to serve any reply papers within sixty days of Petitioner’s submission. (Doc. 4). An information package was mailed to Petitioner thereafter. (Doc. 5). There has been no activity on the docket since.

Accordingly, the parties are directed to, by **May 2, 2024**, advise the Court in writing as to the status of any motion to vacate Petitioner’s Putnam County judgments filed under § 440.10.

SO ORDERED.

Dated: April 2, 2024
White Plains, New York



PHILIP M. HALPERN
United States District Judge